

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH VAN LOON; TYLER ALMEIDA;
ALEXANDER FISHER; PRESTON VAN LOON;
KEVIN VITALE; and NATE WELCH,

Plaintiffs,

- against -

DEPARTMENT OF THE TREASURY; OFFICE OF
FOREIGN ASSETS CONTROL; JANET YELLEN,
in her official capacity as Secretary of the Treasury; and
ANDREA M. GACKI, in her official capacity as Director
of the Office of Foreign Assets Control,

Defendants.

No. 1:23-cv-312-RP

AFFIDAVIT OF JOSEPH VAN LOON

Joseph Van Loon declares as follows:

1. I am an application security engineer at an international technology company. In that capacity, I perform threat modeling and security testing for applications. I have held this position since October 2018. Previously, from July 2015 to October 2018, I worked as an application security engineer at Amazon.

2. I am a citizen of the United States of America.

3. I am not a terrorist or a criminal.

4. I do not launder money.

5. I am not a member of the government of North Korea or the North Korean Workers' Party.

6. I do not support terrorism, illegal activity, the government of North Korea, or the Korean Workers' Party.

7. I submit this declaration in support of Plaintiffs' Motion for Partial Summary Judgment in the above-captioned case.

8. I am familiar with all of the allegations set forth in the Amended Complaint filed in this action. Those allegations are true and correct to the best of my knowledge and belief.

9. I am personally familiar with the facts stated in this declaration.

10. I currently reside in Cedar Park, Texas.

11. I am ready to travel from my residence to Waco as needed for this litigation.

Use of Tornado Cash

12. I own crypto assets.

13. I have a public Ethereum Name Service (ENS) name that can be traced to me.

14. I have used Tornado Cash in the past and would use it again in the future if Tornado Cash were not sanctioned to protect the privacy of my crypto asset holdings.

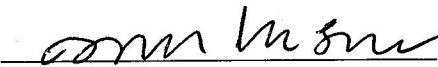
15. For example, in October 2021, I used Tornado Cash to send money to a new, more private wallet address. I did so in anticipation of running an Ethereum validator node, which involves depositing Ether to activate software to validate Ethereum transactions. By adding new blocks to the blockchain, validators can earn Ether. The process of running validator nodes is called staking. Running a new validator node is thus a valuable activity, but it may also attract attention from malicious actors. I ultimately decided to delay my plan.

16. Later, in August 2022, I resumed my plan to run a new validator node in my own home. I intended to use Tornado Cash to anonymize my transfer of crypto assets and avoid the attention of malicious actors. After OFAC's August 8, 2022, designation, I abandoned my plan to run the validator node and lost out on the potentially valuable opportunity to earn Ether.

17. I used Tornado Cash because I believe its privacy protocols are safe and because it is integrated into the Ethereum blockchain. I am not confident that alternative protocols would be as safe and convenient.

18. If Tornado Cash were no longer designated, I would use Tornado Cash again to run a validator node or make investments.

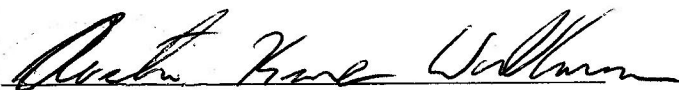
I, Joseph Van Loon, swear or affirm and declare under penalty of perjury that the foregoing is true and correct.


Joseph Van Loon

Dated March 31, 2023

State New York
County of New York
City of New York

Subscribed and sworn to or affirmed before me
this 31st day of March in the year 2023.



Notary Public
(sign and affix seal or stamp)

AUSTIN KWAME WILKINSON
Notary Public, State of New York
No. 01WI5051848
Qualified in New York County
Commission Expires November 13 2025